

Message Text

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70

ACTION ARA-10

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NSAE-00 TRSE-00 USIA-06 NSC-05 OES-06 OMB-01 L-03

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 2198

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INFO AMEMBASSY BUENOS AIRES

AMEMBASSY CARACAS

C O N F I D E N T I A L SANTIAGO 10964

EO 11652: GDS

TAGS: SNAR, CI

SUBJ: EXPULSION AND RETURN OF CHILEAN TRAFFICKERS

AMEMBASSY CARACAS AND BUENOS AIRES PLS PASS DEA

REFS: A) SANTIAGO 10400, B) DEA 28610, C) DEA 28642

D) SANTIAGO 4033, E) SANTIAGO 10029, F) SANTIAGO 10362

1. SUMMARY: INTERIOR MINISTRY UNDER SECRETARY ENRIQUE MONTERO TOLD EMBOFF AND ASAIC THAT HE OPPOSES "IN PRINCIPLE" ANY RE-ENTRY OF EXPELLED CHILEAN NARCOTICS TRAFFICKERS CURRENTLY IN THE US. THIS APPARENTLY REPRESENTS A SHIFT FROM THE STAND HE TOOK WHEN WE SPOKE TO HIM ON OCTOBER 15 (REF A). MONTERO SAID HE PLANNED TO MEET WITH OTHER SENIOR GOC OFFICIALS ON THE SUBJECT AND WOULD CONSIDER ALL CASES COMPLYING WITH THE PROVISIONS OF DECREE LAW 81, THUS LEAVING THE DOOR OPEN TO A CASE-BY-CASE REVIEW. WE DO NOT THINK IT APPROPRIATE TO SUPPORT THE PASSPORT REQUEST OF EXPELLEE WLADIMIR BANDERAS, WHO INTENDS TO TRAVEL TO ARGENTINA (REF C). END SUMMARY.

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2. RE-ENTRY OF EXPELLED TRAFFICKERS: GOC UNDER SECRETARY

OF INTERIOR ENRIQUE MONTERO MARX TOLD EMBOFF AND ASAIC ON NOV 10 THAT HE OPPOSES "IN PRINCIPLE" ANY RE-ENTRY OF EXPLLED CHILEAN NARCOTICS TRAFFICKERS CURRENTLY IN THE US. THIS AP- PARENTLY MARKS A SHIFT FROM HIS POSITION ON OCT 15, WHEN MONTERO INTIMATED HE WOULD FAVORABLY CONSIDR ALLOWING THE EXPELLEES TO RETURN IF THE EMBASSY PROVIDED A REPORT DESCRIBING THE EXCEPTIONAL CIRCUMSTANCES IN EACH CASE (REF E).

3. MONTERO STATED THAT HE WOULD BE MEETING WITH INTERIOR MINISTER BENAVIDES AND "INVESTIGACIONES" DIRECTOR GENERAL BAEZA AFTER NOV 13 TO FORMULATE GOC POLICY AFFECTING THE RETURN OF EXPELLEES RELEASED FROM US PRISONS.

4. AS IN THE PAST, MONTERO ASSERTED THAT THIS IS "A US PROBLEM, NOT A CHILEAN ONE," IN THAT USG OFFICIALS IN DECEMBER 1973 "HAD GIVEN ASSURANCES" TO THE GOC THAT ONCE EXPELLED, THE NARCOTICS TRAFFICKERS WOULD BE CON- VICTED AND WOULD SERVE LONG SENTENCES, I.E. TEN YEARS AND LONGER. HE STATED THAT HE UNDERSTANDS THE US PAROLE PROCEDURE AND APPRECIATES THAT AN EXPELLEE CAN PLEA BARGAIN FOR A SHORTER SENTENCE, AS EXPLAINED BY EDNY PROSECUTOR BERNIE FRIED IN APRIL (REF D). THIS, HOWEVER, DOES NOT CALM MONTERO'S FEAR FOR HIS PERSONAL SAFETY, NOR "ASSURE US THAT THE EXPELLEES WILL NOT RETURN TO THE SAME VICES," WHOULD THEY RE-ENTER CHILE.

5. MONTERO DID NOT CLOSE THE DOOR ON THE ISSUE, HOWEVER, AND STATED THAT THE GOC COULD STILL CONSIDER ALLOWING THE EXPELLEES TO RETURN, IF IT WERE PROVIDED "CONCRETE AND SUBSTANTIAL" INFORMATION FROM THE APPROPRIATE USG OFFICE ON THE CIRCUMSTANCES SURROUNDING THE EXPELLEES' PAROLED RELEASE.

6. MONTERO STATED THAT DECREE LAW 81 OF NOV 6, 1973 CON- TAINED THE PROCEDURE ON EXPELLEES' RETURN TO CHILE. ESSENTIALLY, THE EXPELLEE MUST DIRECT A PETITION FOR PERMISSION TO RETURN TO THE MINISTER OF INTERIOR,BEFORE THE APPROPRIATE CHILEAN CONSULATE. COPIES OF COURT ORDERS AND APPROPRIATE DOCUMENTS RELATING TO THE PAROLE OR RELEASE, DULY AUTHENTI- CATED,
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SHOULD -ACCOMPANY THE PETITION. (COMMENT: IN REF F WE REPORTED THE GOC'S OCT 25 ANNOUNCEMT PUBLICIZING THE RE-ENTRY PROVISION OF DL 81. PRESUMABLY, ALL CHILEAN CON- SULATES HAVE BEEN APPRISED OF PROCEDURES IN HANDLING THESE APPLICATIONS.)

7. FRANCISCO GUINART CI-74-0541: SERGIO POBLETE CI-71-0081: EMBASSY NOTES THAT GUINART AND POBLETE DID NOT COOPERATE WITH

US OFFICIALS AND HENCE DID NOT RECEIVE CONSIDERATION FOR
EARLY PAROLE (REF B).

WE WOULD APPRECIATE CLARIFICATION ON WHETHER THIS MESSAGE IS
THE RESPONSE TO OUR REQUEST FOR A REPORT ON GUINART AND POBLETE
(REF A) OR WHETHER WE MIGHT EXPECT TO RECEIVE FURTHER
INFORMATION FOR PRESENTATION TO MONTERO.

8. WLADIMIR BANDERAS: REF C CONCERNS BANDERAS' EFFORTS
TO OBTAIN TRAVEL DOCUMENTS TO JOIN HIS FAMILY IN ARGENTINA
AND REQUESTS SDO ASSISTANCE IN EXPEDITING BANDERAS' PASS-
PORT APPLICATION. IN VIEW OF THE GOC'S SENSITIVITIES ON
THE EXPELLEE ISSUE,, WE THINK IT BEST NOT TO SAY ANYTHING
RIGHT NOW. WE WILL, HOWEVER, FORWARD ANY DOCUMENTATION
FAVORABLE TO BANDERAS TO THE APPROPRIATE GOC OFFICIALS. IF
BANDERAS CONTEMPLATES ENTERING CHILE, HE SHOULD BE ADVISED
NOT TO ATTEMPT IT UNTIL HE IS IN RECEIPT OF THE
NECESSARY INTERIOR MINISTRY ORDER GRANTING HIM PERMISSION
TO RETURN.
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